REMARKS

The examiner contends that claims 1-3, and 5 of the present invention are unpatentable under 35 U.S.C. 102(e) as being anticipated by Pieffer (US 6,287,614). The examiner also contends that claims 1-3, and 5 of the present invention are unpatentable under 35 U.S.C. 102(b) as being anticipated by Holcomb (US 5,113,751). The examiner further contends that claims 4, 6-16 and 23-29 of the present invention are unpatentable under 35 U.S.C. 103(a) over Pieffer in view of Yu (US 6,390,319). The applicant respectfully traverses the rejection. The applicant has submitted a declaration pursuant to 37 C.F.R. 1.131 to antedate the patent to Pieffer and the patent to Yu, therefore these patents are no longer applicable. Because the art cited by the examiner fails to anticipate the present invention or render it obvious, the present invention should be patentable. The applicant has also amended the claims and specification to satisfy the examiner's objections.

The examiner contends that the present invention is unpatentable under 35 U.S.C. 102(b) as being anticipated by Holcomb. The applicant asserts that there are significant differences between Holcomb and the claimed invention and therefore the present invention is not anticipated. First Holcomb fails to disclose the use of a metal plate to create a stronger more directed magnetic field, where claim 23 and 31 of the present invention specifically requires the metal plate. Second with respects to claims 1 and 30 the present invention uses two magnets working together to treat the liquid in the container, Holcomb is directed to the magnetic treatment of liquids, one group of magnets is in the base and the other group of magnets is in the liquid supply line, the two groups of magnets do not

interact with one another. In the present invention one magnet is present in the base and the second is present in the stopper.

The patent taught by Holcomb does not anticipate the present invention because Holcomb is uses two groups of magnets which work separately, one group of magnets in the liquid supply line of his device and a second group in the hot plate of his device unlike the present invention which uses two magnets which work together one in the base and one in the stopper. The examiner is directed to page 3 paragraph [0040] of the application which states:

> "The magnets in the stopper and base should have their fields aligned preferably such that the stopper has the south facing down and the base has the north facing up, alternatively, when the stopper has the north facing down the base can have the south facing up. It has been found that the present invention provides the best overall effect on the wine and other alcoholic beverages when the stopper and the base both have the south facing down and the north facing up. It is believed that when the south faces downwardly, the south pole of the magnet drives through the north pole forming a circle of magnetic force."

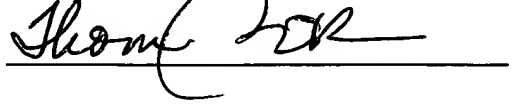
The patent by Holcomb does not disclose the placement of the two groups of magnets in close enough proximity for the magnets to interact with one another. The two groups of magnets in the patent by Holcomb are intended to operate separately also there is no mention in the description by Holcomb of combining the groups of magnets to increase the power of the magnetic field within the liquid container; this is unlike the present invention which uses two magnets to increase the power of the magnetic field within the liquid container disposed between the two magnets. Because the present invention claims the use of two magnets which work together where the patent by Holcomb fails to describe such an arrangement the present invention is not anticipated by Holcomb.

The patent taught by Holcomb does not anticipate claims 1-3 and 5 the present invention because Holcomb fails to disclose the use of a metal plate to create a stronger magnetic field, where the present invention does claim the use of a metal plate to create a stronger magnetic field. The examiner is directed to page 3 paragraph [0034] of the application which states: "The presence of the plate is believed to create a stronger more directional magnetic force field extending upwardly from the base toward the container of wine that is placed on the base. The plate further functions as a shunt that reduces or eliminates the magnetic field in the direction below the base." The pertinent language of the Holcomb in column 8 line 29 reads: "The strength of the magnets used in the treatment system of the present invention may be increased by design or by stacking a plurality of smaller magnets radially with respect to the axis of the conduit." No where in the patent taught by Holcomb is there a suggestion that the strength of the magnet could be increased by placing a metal plate on the side of the magnet opposite to the side which contacts the container. Because the present invention claims the use of a metal plate to create a stronger magnetic field where the patent taught by Holcomb fails to teach such an arrangement the present invention is not anticipated by Holcomb.

CONCLUSION

For the foregoing reasons, applicant's claims are patentable over the cited prior art and the application should be in condition for allowance.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that the foregoing Response was mailed by first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 on this 19th day of July, 2005.

Thomas A. O'Rourke